

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-22 remain in this application.

Claims 1 and 16 have been amended to include the recitation of two tongues (20,21) juxtaposed with each other; the amendments find support in the specification and the drawing figures as originally filed (e.g., page 9, lines 17-21) and do not introduce new matter.

The claims have been further amended to address antecedent basis issues and in consideration of U.S. practice and preferences; these claim amendments do not introduce new matter.

The specification is amended to add section headings; the amendments to the specification do not introduce new matter.

The Official Action objected to claim 2 citing claim informalities.

In reply, claim 2 is amended in a manner responsive to the Official Action's objection. Withdrawal of the objection is thereby respectfully solicited.

The Official Action rejected claims 6-7 under 35 USC 112, second paragraph as being indefinite. The Official Action states that claim 6 appears to claim the same features as independent claim 1 but using different terminology, and therefore it not a proper dependent claim to claim 1.

In reply, it is firstly noted that claims 1 and 6 have been amended. It is respectfully submitted that amended claim 6 is a proper dependent claim for further narrowing the recitation of claim 1, from which it depends. For example, claim 6 requires that each box-section be formed in one piece with the bottom panel by a rectangular panel connected by a scoring line (14).

In contrast, claim 1 does not recite scoring lines, nor does claim 1 require each box-section be formed in one piece. Claim 1 also requires only an articulation between the box-section and the bottom panel, wherein an articulation is defined merely as a joint or jointed formation (see "articulation." *Dictionary.com Unabridged* (v 1.1). Random House, Inc. 04 Dec. 2008. <Dictionary.com <http://dictionary.reference.com/browse/articulation>>.

In other words, it is respectfully submitted that a scoring line in a piece, as recited in claim 6, is a narrower recitation.

Accordingly, it is respectfully submitted that claim 6 is a proper dependent claim to claim 1. Withdrawal of the indefiniteness rejection to claim 6, and claim 7 depending therefrom, is respectfully solicited.

The Official Action rejected claims 1-3, 5-11, 15-16, and 19-22 under 35 USC 103(a) as being unpatentable over Lamare (EP 0693428; "LAMARE") in view of DeNola (US 5,529,187; "DeNola").

The Official Action further rejected claims 1-7, 9, 11, 15, and 22 under 35 USC 103(a) as being unpatentable over Saiki et al. (US 5,829,587; "SAIKI").

The Official Action rejected claim 4 under 35 USC 103(a) as being unpatentable over LAMARE and DENOLA, and further in view of SAIKI.

The Official Action rejected claims 12-14, 17 and 18 under 35 USC 103(a) as being unpatentable over LAMARE and DENOLA, and further in view of Carpenter (US 2,846,132; "CARPENTER").

The Official Action further rejected claims 12-13 and 16-21 under 35 USC 103(a) as being unpatentable over SAIKI in view of CARPENTER.

The rejections are respectfully traversed for at least the reasons that follow.

As to claim 1, it is firstly submitted that claim 1 has been amended. It is respectfully submitted that none of the references, individually or in combination, teach or suggest at least two locating tongues disposed in an opening and attached to the internal lateral panel only by an end opposite the bottom panel, said locating tongues being juxtaposed to each other, as required by amended claim 1.

On the contrary, LAMARE teaches a packaging including a bottom panel 7 and two box-sections 8, wherein each box-section includes an external lateral panel 13 and an internal lateral panel 11 including an opening 15. Each box-section is attached

by an articulation 17 to the bottom panel, and the packaging further includes two claps 14 each attached by an articulation 24 to the bottom panel.

LAMARE teaches, for each box section, an external lateral panel with a first end connected by an articulation 17 to a bottom panel, and a second end connected by an articulation to a first end of an intermediate panel 18, the latter also including a second end connected by an articulation 20 to a first end of the internal lateral panel. The internal lateral panel also includes a second end (see fold line between panel 11 and panel 19) to the bottom panel.

The articulation is located at a distance from the articulation between the first end of the external lateral panel and the bottom panel.

LAMARE further discloses an opening 15 located across the fold line of panels 11 and 19. When in the raised position, an eyeglass lens is inserted in both openings 15 which are located at the level of the bottom panel 2.

Consequently, LAMARE does not disclose a packaging or a sheet material packaging blank provided with at least two tongues juxtaposed to one another and a second end of an internal lateral panel 11 located along the articulation between the external lateral panel 8 and the bottom panel 7.

DENOLA also fails to teach a packaging in which two locating tongues are disposed in an opening and are juxtaposed to

each other. Further DENOLA fails to teach a packaging suitable for protecting and locating a circular contour object.

On the contrary, DENOLA teaches a packaging for card-like articles comprising two box-sections 30, 32 each including opening 62 an 64. The tongues at the openings, one upper tongue attached to the internal lateral panel only by an end opposite the bottom panel, and one lower tongue attached to the internal lateral panel only by an end close to the bottom panel. The two tongues in one opening face each other, and the openings are located at a distance from one another. Thus, the upper tongues 60 or upper tongues 66 are disposed at a distance from each other.

The internal panel is provided with an end connected by an articulation to the bottom panel. This articulation is located at a distance from the articulation between the external panel and the bottom panel.

DENOLA plainly discloses that the packaging is for card-type articles to be received in a plurality of parallel slots or openings. The drawing figures further support that the packaging is configured to receive card-shaped articles. The drawings, in illustrating an orientation of the openings and the distance between two neighbor openings, clearly teach away from a structure that would accept a circular shape.

Thus, one of skill would not find it obvious to combine DENOLA with LAMARE, and further, neither LAMARE nor DENOLA,

individually or in combination, teach or suggest a packaging in which two locating tongues are disposed in an opening as recited in amended claim 1. Accordingly, it is respectfully submitted that claim 1 is non-obvious over LAMARE in view of DENOLA.

It is further respectfully submitted that neither SAIKI nor CARPENTER, individually or in combination, teach or suggest two locating tongues disposed in an opening as recited in amended claim 1.

Firstly, SAIKI fails to teach the structure recited in amended claim 1.

SAIKI teaches a package box for a plurality of spark plugs. It comprises two box sections 20, 30, each including an external panel and an internal panel. The internal panel each includes openings 29, 39. Openings 29 have no tongues. Openings 39 are provided with several tongues 43. These tongues are attached to the internal lateral panel all around the line 41.

The internal panel is provided with an end connected by an articulation to the bottom panel. This articulation is located at a distance from the articulation between the external panel and the bottom panel.

The drawing figures, and the disclosure teaching a packaging for the storage of spark-plugs, clearly teaches one of skill away from the packaging of the present invention intended to receive an object of circular contour.

Thus, one of skill would not be motivated to consider the teaching of SAIKI.

CARPENTER also fails to teach the structure required by claim 1, for example failing to teach at least two locating tongues disposed in an opening and attached to an internal lateral panel only by an end opposite a bottom panel, the locating tongues being juxtaposed to each other.

Further, CARPENTER, in disclosing a carton packaging for containing comestible products, is not the same field as SAIKI, nor in the same field of invention. Therefore, one of skill would not be motivated to combine the teaching of SAIKI with CARPENTER.

For all the foregoing, it is respectfully submitted that none of the cited references, individually or in combination, teach or suggest all the structural features recited in amended claim 1.

It is also respectfully submitted that claims depending from claim 1 are patentable at least for depending from a patentable claim.

It is further respectfully submitted that claim 16, and claims depending therefrom, are patentable at least for the reasons set forth above as to claim 1.

Reconsideration and allowance of the claims are respectfully requested.

From the foregoing, it will be apparent that Applicants have fully responded to the September 4, 2008 Official Action and that the claims as presented are patentable. In view of this, Applicants respectfully request reconsideration of the claims, as presented, and their early passage to issue.

In order to expedite the prosecution of this case, it is requested that the Examiner telephone the attorney for Applicants at the number set forth below if the Examiner is of the opinion that further discussion of this case would be helpful.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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